

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-5 and 8-21 are pending in the application, with claims 1 and 11 being the independent claims. Claims 1 and 11 are sought to be amended. These changes are believed to introduce no new matter and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 103

Zhu

Claims 1, 2, 9-14, 20, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,344,852 to Zhu *et al.* (hereinafter "Zhu"). (See Office Action at p. 3.) Applicants respectfully traverse these rejections.

Independent claim 1 has been amended to delete the feature of "when said bounding region has not already been defined for the geometry chunk in a previous frame" from the step of "defining the geometry chunk with a bounding region, wherein said bounding region defines a space the geometry chunk occupies on the compositing window" and to add the step of "storing said bounding region for use in processing the geometry chunk in a subsequent frame[.]"

Likewise, independent claim 11 has been amended to delete the feature of "when said bounding region has not already been defined for the geometry chunk in a previous frame" from the element of "a geometry distributor that defines a bounding region for the geometry chunk, wherein said bounding region defines a space the geometry chunk occupies on the compositing window" and to add the element of "a memory that stores said bounding region for use in processing the geometry chunk in a subsequent frame[.]"

These amendments are supported at paragraph 0067 of the specification of the instant patent application, which states, *inter alia*:

At a step 608, geometry distributor 102 looks at one of the geometry chunks in the frame and determines whether a bounding region exists for that particular geometry chunk. Once the present invention creates a bounding region for a geometry chunk, the bounding region is stored for future frames that may require the same geometry chunk to be rendered.

Zhu does not disclose, teach, or suggest these features.

The Office Action at page four contends that the feature (in independent claims 1 and 11) of "when said bounding region has not already been defined for the geometry chunk in a previous frame[:]"

does not patently differ from the prior art and additionally, does not define any new method steps as to *when* the bounding region is defined other than to say it will be defined if no bounding region exists, resulting in a negative limitation. Although Zhu et al. is silent as to predetermining the tiles (***said bounding region***), it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate the tiles of Zhu et al. when needed in order to process each frame individually and to reduce the processing time.

Regarding the first contention that independent claim 1 "does not define any new method steps as to *when* the bounding region is defined other than to say it will be defined if no bounding region exists, resulting in a negative limitation[.]" Applicants have amended

independent claim 1 to recite affirmatively an independent step of "storing said bounding region for use in processing the geometry chunk in a subsequent frame[.]" which does not contain a negative limitation. Likewise, Applicants have amended independent claim 11 to recite affirmatively an independent element of "a memory that stores said bounding region for use in processing the geometry chunk in a subsequent frame[.]" which does not contain a negative limitation.

Regarding the second contention that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate the tiles of Zhu et al. when needed in order to process each frame individually and to reduce the processing time[.]" Applicants dispute this contention.

The Office Action has failed to establish a *prima facie* case of obviousness. Section 2143 of the Manual of Patent Examining Procedure provides that:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Zhu does not "teach or suggest all the claim limitations." The Office Action concedes that "Zhu et al. does not explicitly teach *defining the geometry chunk with a bounding region when said bounding region has not already been defined for the geometry chunk in a previous frame* [and that] Zhu et al. is silent as to predetermining the tiles (*said bounding region*)[.]" (Office Action at p. 4.)

Furthermore, there is no "suggestion or motivation" to modify Zhu to include the step of "storing said bounding region for use in processing the geometry chunk in a subsequent

frame" to produce the embodiment of the invention recited in amended independent claim 1 or to include the element of "a memory that stores said bounding region for use in processing the geometry chunk in a subsequent frame" to produce the embodiment of the invention recited in amended independent claim 11.

In making these rejections it appears to Applicants that the Examiner is using Applicants' own disclosure to reconstruct the claimed invention. This is impermissible. "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." (M.P.E.P. § 2143.)

Thus, amended independent claims 1 and 11 are patentable over Zhu. Likewise, claims 2, 9, 10, 12-14, 20, and 21, which depend upon claims 1 or 11, are also patentable over Zhu. Therefore, Applicants respectfully request that the Examiner reconsider claims 1, 2, 9-14, 20, and 21 and remove the rejections of these claims under 35 U.S.C. § 103(a) with respect to Zhu.

Rich

Claims 1, 3-5, 8, 11, and 15-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,104,842 to Rich (hereinafter "Rich"). (*See* Office Action at p. 8.) Applicants respectfully traverse these rejections.

As stated above, independent claim 1 has been amended to delete the feature of "when said bounding region has not already been defined for the geometry chunk in a previous frame" from the step of "defining the geometry chunk with a bounding region, wherein said

bounding region defines a space the geometry chunk occupies on the compositing window" and to add the step of "storing said bounding region for use in processing the geometry chunk in a subsequent frame[.]"

Likewise, independent claim 11 has been amended to delete the feature of "when said bounding region has not already been defined for the geometry chunk in a previous frame" from the element of "a geometry distributor that defines a bounding region for the geometry chunk, wherein said bounding region defines a space the geometry chunk occupies on the compositing window" and to add the element of "a memory that stores said bounding region for use in processing the geometry chunk in a subsequent frame[.]" Rich does not disclose, teach, or suggest these features.

The Office Action at page nine contends that the feature (in independent claims 1 and 11) of "when said bounding region has not already been defined for the geometry chunk in a previous frame[:]"

does not patently differ from the prior art and additionally, does not define any new method steps as to *when* the bounding region is defined other than to say it will be defined if no bounding region exists, resulting in a negative limitation. Although Rich is silent as to predetermining the regions (***said bounding region***), it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate the regions of Rich when needed in order to process each frame individually and to reduce the processing time.

Regarding the first contention that independent claim 1 "does not define any new method steps as to *when* the bounding region is defined other than to say it will be defined if no bounding region exists, resulting in a negative limitation[.]" Applicants have amended independent claim 1 to recite affirmatively an independent step of "storing said bounding region for use in processing the geometry chunk in a subsequent frame[.]" which does not

contain a negative limitation. Likewise, Applicants have amended independent claim 11 to recite affirmatively an independent element of "a memory that stores said bounding region for use in processing the geometry chunk in a subsequent frame[,]" which does not contain a negative limitation.

Regarding the second contention that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate the regions of Rich when needed in order to process each frame individually and to reduce the processing time[,]" Applicants dispute this contention.

Again, the Office Action has failed to establish a prima facie case of obviousness. Rich does not "teach or suggest all the claim limitations." The Office Action concedes that "Rich does not explicitly teach *defining the geometry chunk with a bounding region when said bounding region has not already been defined for the geometry chunk in a previous frame* [and that] Rich is silent as to predetermining the regions (*said bounding region*)[" (Office Action at p. 9.)

Furthermore, there is no "suggestion or motivation" to modify Rich to include the step of "storing said bounding region for use in processing the geometry chunk in a subsequent frame" to produce the embodiment of the invention recited in amended independent claim 1 or to include the element of "a memory that stores said bounding region for use in processing the geometry chunk in a subsequent frame" to produce the embodiment of the invention recited in amended independent claim 11.

In making these rejections it appears to Applicants that the Examiner is using Applicants' own disclosure to reconstruct the claimed invention. This is impermissible. "The teaching or suggestion to make the claimed combination and the reasonable expectation of

success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." (M.P.E.P. § 2143.)

Thus, amended independent claims 1 and 11 are patentable over Rich. Likewise, claims 3-5, 8, and 15-19, which depend upon claims 1 or 11, are also patentable over Rich. Therefore, Applicants respectfully request that the Examiner reconsider claims 1, 3-5, 8, 11, and 15-19 and remove the rejections of these claims under 35 U.S.C. § 103(a) with respect to Rich.

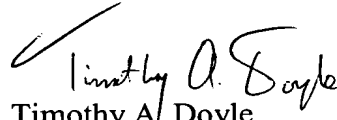
Conclusion

All of the stated grounds of rejection have been properly traversed. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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